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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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In re Applications of)	MM Docket No. 93-89
)	
AURIO A. MATOS)	File No. BPH-911114MS
)	
LLOYD SANTIAGO-SANTOS and LOURDES)	File No. BPH-911115MP
RODRIGUES-BONET)	
)	
For Construction Permit for a New)	
FM Station on Channel 293A in)	
Culebra, Puerto Rico)	

RECEIVED

MAY 5 1994

To: The Review Board

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

PETITION FOR LEAVE TO AMEND

Aurio A. Matos ("Matos"), by his counsel and pursuant to Section 73.3522 of the Commission's Rules respectfully petitions for leave to amend his application in compliance with Section 1.65. By this amendment, Matos reports that the Federal Aviation Administration ("FAA") has issued a Determination of No Hazard with respect to the site he proposed in his February 7, 1994 Petition for Leave to Amend (the "February Amendment").

In the February Amendment, Matos proposed a tower height of 210 feet. On March 16, 1994, the FAA informed Matos that a 210 foot tall tower would have an adverse effect on instrument altitudes at the site he proposed, but that if he agreed to reduce the height to 99 feet, that problem would be abated and the proposal could be circulated for comment.

The Determination recites that Matos' proposed tower site will pose no hazard to air navigation with a tower height of 99 feet. Matos asks that this Determination be associated with his

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application. An amendment of Matos' technical proposal, reflecting the reduction in power height will be filed shortly.

Good cause exists for the acceptance of this amendment. The amendment is being offered in a timely manner, will not cause the addition of parties or issues to the proceeding, will not prejudice other parties and will result in no comparative advantage to Matos. See Erwin O'Connor Broadcasting Co., 22 FCC 2d 140, 143 (Rev. Bd. 1970).

WHEREFORE, it is respectfully requested that Matos' proposed amendment be accepted.

BROWN, NIETERT & KAUFMAN
1920 N Street, N.W.
Suite 660
Washington, D.C. 20036
(202) 887-0600

May 5, 1994

Respectfully submitted,
AURIO A. MATOS



Scott C. Cinnamon
His Attorney

To: Federal Communications Commission
From: Aurio A. Matos
Re: Amendment of Application BPH-911114MS
Date: May 4, 1994

I respectfully amend my application to report receipt of the attached Determination of No Hazard concerning the site I proposed in my February 1994 amendment. The Determination is for a tower height of 99 feet instead of the 210 feet I proposed in February.



Aurio A. Matos



US Department
of Transportation

Federal Aviation
Administration

SOUTHERN REGION
ATTN: ASO-532
P.O. BOX 20626
ATLANTA, GEORGIA 30320
404-305-5588

IN REPLY REFER TO
AERONAUTICAL STUDY
NO. 94-ASO-0194-03

DETERMINATION OF NO HAZARD TO AIR NAVIGATION

SPONSOR	Aurio Matos Barreto P.O. Box 847 Mayaguez, Puerto Rico 00709		CONSTRUCTION LOCATION	
			PLACE NAME	
			Culebra, Puerto Rico	
			LATITUDE	LONGITUDE
		18°19'02.84"	65°18'46.57"	
CONSTRUCTION PROPOSED	DESCRIPTION	HEIGHT (IN FEET)		
		ABOVE GROUND	ABOVE MSL	
	Antenna Tower (106.5 MHz)	99	575	

An aeronautical study of the proposed construction described above has been completed under the provisions of Part 77 of the Federal Aviation Regulations. Based on the study it is found that the construction would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities. Therefore, pursuant to the authority delegated to me, it is hereby determined that the construction would not be a hazard to air navigation provided the following conditions are met:

Conditions:

The structure should be marked and lighted in accordance with the standards of the FAA Obstruction Marking and Lighting Advisory Circular 70/7460-1H, Chapters 3, 4, 5 and 13.

Supplemental notice of construction is required any time the project is abandoned (use the enclosed FAA form), or

- 10 Days**
☒ At least **10 Days** before the start of construction (use the enclosed FAA form).
☒ Within five days after the construction reaches its greatest height (use the enclosed FAA form).

This determination expires on **December 13, 1994**

unless:

- (a) extended, revised or terminated by the issuing office;
 (b) the construction is subject to the licensing authority of the Federal Communications Commission and an application for a construction permit is made to the FCC on or before the above expiration date. In such case the determination expires on the date prescribed by the FCC for completion of construction, or on the date the FCC denies the application.

NOTE: Request for extension of the effective period of this determination must be postmarked or delivered to the issuing office at least 15 days prior to the expiration date.

This determination is subject to review if an interested party files a petition on or before **June 3, 1994**. In the event a petition for review is filed, it should be submitted in triplicate to the Manager, Flight Information and Obstructions Branch, AAT-210, Federal Aviation Administration, Washington, D.C. 20591, and contain a full statement of the basis upon which it is made.

This determination becomes final on **June 13, 1994** unless a petition for review is timely filed, in which case the determination will not become final pending disposition of the petition. Interested parties will be notified of the grant of any review.

An account of the study findings, aeronautical objections, if any, registered with the FAA during the study, and the basis for the FAA's decision in this matter will be found on the following page(s).

If the structure is subject to the licensing authority of the FCC, a copy of this determination will be sent to that Agency.

This determination, issued in accordance with FAA Part 77, concerns the effect of this proposal on the safe and efficient use of the navigable airspace by aircraft and does not relieve the sponsor of any compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

Distribution:ZAT-03

SIGNED

Armando Castro

TITLE

Airspace Specialist

Armando Castro

System Management Branch

ISSUED IN

College Park, Georgia

ON

May 4, 1994

PAGE 2 OF 2 PAGES

AERONAUTICAL STUDY
NO. 94-ASO-0194-0E

The proposed antenna tower would be located approximately 0.55 nautical miles (NM) northwest of the Culebra Airport reference point, in Culebra, PR. It would exceed obstruction standards contained in Part 77, Subpart C, of the Federal Aviation Regulations as follows:

77.23(a)(5) by the entire proposed height, a height that exceeds an imaginary horizontal and transitional surface as applied to the Culebra Airport.

The proposal was circularized to the aeronautical public for comment. No objections were received in response to the circular.

Aeronautical study disclosed the proposed structure would have no adverse effect upon any existing or planned instrument flight rules (IFR) operations, procedures, or minimum flight altitudes.

Study for visual flight rules (VFR) effect disclosed that the proposal would not penetrate any known public use or military airport traffic pattern airspace areas. The proposal at 99 feet AGL would not penetrate altitudes considered available for VFR en route operations.

The cumulative impact resulting from the proposed construction, when combined with the impact of other existing or proposed structures, was negligible.

Therefore, it is determined that the proposed structure would have no substantial adverse effect on the safe and efficient utilization of the navigable airspace by aircraft or on the operation of air navigation facilities and would not be a hazard to air navigation.

CERTIFICATE OF SERVICE

I, Scott C. Cinnamon, do certify that on this 5th day of May, 1994, a copy of the foregoing was sent via first class mail, postage prepaid or delivered, as indicated, to the parties set forth below:

Honorable Joseph A. Marino, Chairman
The Review Board
Federal Communications Commission
2000 L Street, N.W.
Washington, D.C. 20554 *

Honorable Norman B. Blumenthal
The Review Board
Federal Communications Commission
2000 L Street, N.W.
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Honorable Marjorie Reed Greene
The Review Board
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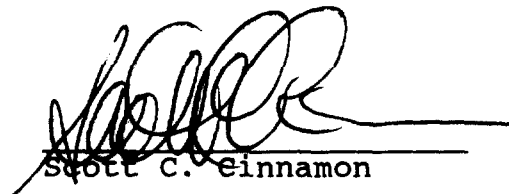
Allan Sacks, Chief of Law
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Washington, D.C. 20554 *

Chief, Data Management Staff
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Federal Communications Commission
1919 M Street, N.W., Room 350
Washington, D.C. 20554 **

* - via hand delivery
** - via FCC Mailroom


Scott C. Cinnamon